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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,738	06/20/2003	Fred Hewitt Smith	56273-032 (BSIL-116)	7377

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EXAMINER	
KLIMACH, PAULA W	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/600,738	SMITH ET AL.	
	Examiner	Art Unit	
	Paula W. Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-41 is/are pending in the application.

4a) Of the above claim(s) 34-41 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-33 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 7/31/03; 4/5/04
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of group I (claims 1-33) in reply filed on 08/26/04 is acknowledged.

Claims 34-41 are withdrawn by the applicant from further consideration pursuant to 37 CFR. 1.142(b) as being drawn to a nonelected group. Election was made with traverse in the reply filed 06/20/03.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. **Claims 1, 3-6, 13-18, 7-10, 19-21, 23-31, and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Misra et al (6,523,166 B1) in view of McDaniel et al (20030126464 A1) and further in view of Rothschild (5,642,394).

In reference to claims 1, 17, and 21, Mishra teaches a method and system for installing software implementations such as applications and COM classes as they are needed from an external source such as a centralized network store (abstract). The system includes a plurality of remote nodes each remote node (Fig. 3); at least server node (Figure 4 part 49) configured to initialize and install each remote node in the plurality of remote nodes (abstract), including delivering to each remote node an agent module, said agent module for each remote node

comprising a node specific configuration file (column 5 lines 40-65); and a communication path coupling the plurality of remote nodes and the at least one server node (Fig 3).

Although Mishra discloses a configuration file delivered to each node, the system of Mishra does not include defining a set of nodes with which the remote node can communicate and different encryption means corresponding to each node.

McDaniel discloses a method and system for determining and enforcing security policy in a communication session are provided in distributed systems (abstract). The system includes an issuer defining a set of nodes with which the remote node can communicate (page 5 paragraph 0069 in combination with page 8 paragraph 0117-0018 and page 9 paragraph 00123) and a different encryption means corresponding to each node in the set of nodes (page 9 paragraph 00135).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the policy of McDaniel to the policy of Mishra. One of ordinary skill in the art would have been motivated to do this because group communication is increasingly used as an efficient building block for distributed systems, but due to the cost of maintaining a peer communication, a group definition is preferred (McDaniel page 1 paragraphs 005-007).

Neither Mishra nor McDaniel disclose a system comprising a set of detector interfaces configured to couple to a set of detectors disposed to detect the presence of an illegal asset within a shipping container.

Rothschild discloses an edge enhancement X-ray imaging system inspects an object for detecting an illegal component (abstract). The system includes detector interfaces configured to

couple to a set of detectors disposed to detect the presence of an illegal asset within a shipping container (column 2 line 65 to column 3 line 10).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the processor with the detectors to the system of Misra to create a network of detectors. One of ordinary skill in the art would have been motivated to do this because the networking of resources allows for the sharing of resources and therefore decrease the cost of the system.

In reference to claims 3-4 and 23-24 wherein at least some of the plurality of remote nodes includes a wireless communication means, the communication path includes an air path. The system of Mishra suggests a wireless network because the system works in LAN and WAN and use modems (column 4 lines 19-45) that in the current time are wireless and therefore can transfer to wireless.

In reference to claims 7-8 and 27-29 wherein the illegal assets include one or more of chemical weapons, biological weapons or nuclear weapons.

Neither Mishra nor McDaniel disclose a system comprising a set of detector interfaces configured to couple to a set of detectors disposed to detect the presence of an illegal asset within a shipping container.

Rothschild discloses a system for detecting illegal components (abstract) which suggests chemical weapons, biological weapons or nuclear weapons.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the processor with the detectors to the system of Misra to create a network of detectors. One of ordinary skill in the art would have been motivated to do this because the

networking of resources allows for the sharing of resources and therefore decrease the cost of the system.

In reference to claims 13 and 31 further comprising: a monitor node coupled to the communication path and configured to audit the plurality of remote notes (Fig 4 part 49).

In reference to claims 14 and 33 wherein the at least one monitor node and the at least one server node are configured to communicate with at least one remote node from the plurality of remote nodes via one or more intermediate remote nodes (Figure 3).

In reference to claim 15 further comprising an orthogonal means of authentication.

Mishra does not disclose means of authentication.

McDaniel discloses a method and system for determining and enforcing security policy in a communication session are provided in distributed systems (abstract). McDaniel therefore discloses a means of authentication (page 14 paragraphs 0199-0208).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the policy of McDaniel to the policy of Mishra. One of ordinary skill in the art would have been motivated to do this because group communication is increasingly used as an efficient building block for distributed systems, but due to the cost of maintaining a peer communication, a group definition is preferred (McDaniel page 1 paragraphs 005-007).

In reference to claims 5 and 25 wherein the at least one server node includes an audit module configured to selectively cause one or more of the remote nodes to terminate communication with at least one node in its set of nodes in response to one or more termination events.

Although Mishra monitor in the form of the server, Mishra does not disclose a monitor that includes an audit module configured to selectively cause one or more of the remote nodes to terminate communication with at least one node in its set of nodes in response to one or more termination events.

McDaniel discloses a method and system for determining and enforcing security policy in a communication session are provided in distributed systems (abstract). The method includes a monitor that includes an audit module configured to selectively cause one or more of the remote nodes to terminate communication with at least one node in its set of nodes in response to one or more termination events (paragraph 0101).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the policy of McDaniel to the policy of Mishra. One of ordinary skill in the art would have been motivated to do this because group communication is increasingly used as an efficient building block for distributed systems, but due to the cost of maintaining a peer communication, a group definition is preferred (McDaniel page 1 paragraphs 005-007).

In reference to claims 6 and 26, wherein the one or more termination events includes detecting tampering with one or more remote nodes.

Neither Mishra nor McDaniel disclose a system comprising a set of detector interfaces configured to couple to a set of detectors disposed to detect the presence of an illegal asset within a shipping container. Although Rothschild does not discloses the detector in the reference detecting tampering with one or more remote nodes, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to detect tampering with the nodes of Rothschild. One of ordinary skill in the art would have been motivated to do this because the

system is used to detect illegal activity and therefore to be efficient the system requires checking that the system has not been tampered with.

In reference to claims 16, 18, and 20, wherein at least one remote node is housed within a tamper resistant package with at least one detector.

Neither Mishra nor McDaniel disclose a system comprising a set of detector interfaces configured to couple to a set of detectors disposed to detect the presence of an illegal asset within a shipping container. Although Rothschild does not discloses one remote node is housed within a tamper resistant package with at least one detector, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to house the detectors of Rothschild in a tamper resistant package. One of ordinary skill in the art would have been motivated to do this because the system is used to detect illegal activity and therefore to be efficient the system requires checking that the system has not been tampered with.

In reference to claim 9 wherein one or more remote nodes from the plurality of remote nodes is disposed within a tamper resistant housing coupled to a shipping container.

Neither Mishra nor McDaniel disclose a system comprising a set of detector interfaces configured to couple to a set of detectors disposed to detect the presence of an illegal asset within a shipping container. Although Rothschild does not discloses one remote node is housed within a tamper resistant package with at least one detector, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to house the detectors of Rothschild in a tamper resistant package. One of ordinary skill in the art would have been motivated to do this because the system is used to detect illegal activity and therefore to be efficient the system requires checking that the system has not been tampered with.

In reference to claims 10 and 30 comprising one or more subnetworks comprising a set of remote nodes from the plurality of remote nodes, and wherein each subnetwork provides a portion of the communication path (Fig 3).

In reference to claim 19 wherein at least one detector form the set of detectors.

Neither Mishra nor McDaniel disclose a system comprising a set of detector interfaces configured to couple to a set of detectors disposed to detect the presence of an illegal asset within a shipping container.

Rothschild discloses an edge enhancement X-ray imaging system inspects an object for detecting an illegal component (abstract). The system includes at least one detector (Fig. 1).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the processor with the detectors to the system of Misra to create a network of detectors. One of ordinary skill in the art would have been motivated to do this because the networking of resources allows for the sharing of resources and therefore decrease the cost of the system.

Claims 2 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misra in view of McDaniel, and further in view of Rothschild as applied to claim 1 above, and further in view of the article by Lian et al ("Time delay modeling and sample time selection for networked control systems").

Neither Mishra, McDaniel, nor Rothchild disclose a system wherein at least one server node includes a strobing module configured to selectively initiate coordinated strobing of the encryption means among the plurality of remote nodes.

Lian discloses a means of strobing a connection so as to receive the most recent data from client devices (section on "Control Networks Fundamentals").

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to strobe the connection as in Lian in the system of Mishra. One of ordinary skill in the art would have been motivated to do this because it is a method of receiving the most recent data that does not use as much band with as polling (section on Lian "Control Networks Fundamentals").

Claims 11-12, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mishra in view of McDaniel and further in view of Rothchild as applied to claim 1 above, and further in view of the article by Hogg et al. ("A Photometricity and extinction monitor at the apache point observatory").

In reference to claims 11 and 32 Neither Mishra nor McDaniel nor Rothchild disclose a system comprising: a robot node, having a robot agent module and an interface to the communication path, the monitor node including means to query each of the plurality of remote nodes.

Hogg discloses a software robot used for monitoring environmental changes (Introduction).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a robot to monitor as in Hogg in the system of Mishra. One of ordinary skill in the art would have been motivated to do this because it would reduce analysis data (Hogg abstract).

In reference to claim 12 wherein the robot node is configured to query one of the plurality of remote nodes via a set of other remote nodes from the plurality of remote nodes.

Hugg discloses a robot that monitors sensors (nodes) for analysis data (Section 13).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a robot to monitor as in Hogg in the system of Mishra. One of ordinary skill in the art would have been motivated to do this because it would reduce analysis data (Hogg abstract).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thanhnga B. Truong
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PWK
Monday, October 16, 2006